

### **REMARKS**

This Application has been carefully reviewed in light of the Final Office Action mailed March 3, 2008. At the time of the Final Office Action, Claims 1-9 and 11-15 were pending in this Application. Claims 1-9 and 11-15 were rejected.

#### **Claim Amendments**

The Examiner objected to Claim 13 because “an XML file” was absent from the amended claim and not shown as deleted in the response filed on October 5, 2006. Applicants have amended the claim to show the deletion in double brackets and bolded, as well as any added words being underlined and bolded.

#### **Declaration under Rule 37 C.F.R. § 1.131 Affidavits**

The Examiner considered the affidavits filed on October 5, 2006 under 37 C.F.R. § 1.131, but states that the affidavits are ineffective to overcome the Publication “Metadata and GIS; An ESRI White Paper”, published on October 2002 ESRI (“ESRI”) reference.

Applicants are submitting a Supplemental Declaration of Dorel Marius Necsoiu and Declaration of Brandi Winfrey to remedy any shortcomings of the previously submitted Declaration. The declaration proves that the claimed invention was both conceived and reduced to practice prior to the effective date of the ESRI reference.

#### **Requirement for Information**

The Office Action requires the Applicants and the assignee of the instant application to provide the following information under 37 C.F.R. § 1.105:

A. A copy of slides/documents used for the U.S. Nuclear Regulatory Commission, Internal Meeting, Rockville, Maryland, dated August 2001.

B. A copy of slides/documents used for EOS (at 2002 Annual Fall Meeting) dated December 2002.

Copies of these documents are attached to this response.

**Rejections under 35 U.S.C. §103**

Claims 1-9, 11-13, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Publication “Metadata and GIS; An ESRI White Paper”, published on October 2002 by ESRI (“ESRI”), in view of U.S. Patent 6,879,988 issued to Yuri Basin et al. (“Basin”), and further in view of U.S. Patent Publication 2003/0050919 issued to Michael Wayne Brown et al. (“Brown”). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In light of the Supplemental Declaration, discussed above, the ESRI document should be removed as a reference.

Even if the ESRI document were a proper reference, or some other reference were used for teaching metadata creation, storing, and harvesting, Claims 1 and 15 (the independent claims) are not obvious. The present invention is more than harvesting metadata.

Important novel features of the invention are the manner in which metadata and geophysical data files are stored and accessed. Additional novel features of the invention are the “post search” aspects of presenting the metadata, an associated link to geophysical data, and a thumbnail image. Claims 1 and 15 (the independent claims) have been amended to more clearly recite the structure and operation of the system and method.

Specifically, one recited feature of the invention is that each metadata file is stored in the repository in both XML and HTML format. This permits the web browser to easily link to and display a metadata page.

Another recited feature of the invention is the metadata page, which is downloaded with metadata text, a link to archive data, and a thumbnail image. These features are not taught or suggested by the cited prior art references.

ESRI teaches away from using metadata in HTML format. On page 3 of ESRI (mid page), it is clearly stated that metadata is in XML format, and that there was a deliberate decision to not create the data in HTML format. Also, ESRI does not teach or suggest any features of how post-searching results are displayed to the end user.

For the reasons above, Claims 1 and 15 are not obvious from the cited references. These claims and their dependent claims are allowable.

#### **New Claims**

New Claims 16 and 17 have been added. They are supported in paragraphs [0035 – 0037]. As recited, communications between web server 130 and metadata database 120 are by means of a Z39.50 protocol.

ESRI teaches away from the use of a standard protocol such as Z39.50. As stated in ESRI, page 6, communications between the metadata server and the ArcSDE database are by means of a structured query language.

#### **Request for Continued Examination**

Applicants enclose a Request for Continued Examination (RCE) Transmittal. Applicants authorize the Commissioner to charge the amount of \$405.00 for the RCE filing fee. Applicants believe there are no additional fees due for RCE, however, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. No. 50-2148 of Baker Botts L.L.P.

#### **Petition For Extension Of Time**

Applicants respectfully submit herewith a Petition for Three-Month Extension of Time Request. Applicants authorize the Commissioner to charge the amount of \$525.00 for the required filing fee. Applicants believe there are no additional fees due for Petition, however, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. No. 50-2148 of Baker Botts L.L.P.

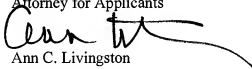
### CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims.

Applicants authorize the Commissioner to charge \$405.00 fee for the RCE and \$525.00 for the enclosed Petition for Three Month Extension of Time to Deposit Account No. 50-2148 of Baker Botts L.L.P. Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2634.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorney for Applicants



Ann C. Livingston  
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Date: September 2, 2008

- Enclosures:
1. Request for Continued Examination (RCE) Transmittal
  2. Petition for Three Month Extension of Time
  3. Supplemental Declaration of Dorel Marius Necsoiu and Declaration of Brandi Winfrey
  4. A copy of slides/documents used for the U.S. Nuclear Regulatory Commission, Internal Meeting, Rockville, Maryland, dated August 2001
  5. A copy of slides/documents used for EOS (at 2002 Annual Fall Meeting) dated December 2002

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